

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LMMC, LLC,	§	
	§	
Plaintiff/Counterclaim Defendant,	§	Case No. 1:23-CV-00950
	§	
v.	§	Assigned Judge: Charles P. Kocoras
	§	
CALCIUM LLC,	§	Designated Magistrate: M. David Weisman
	§	
Defendant/Counterclaim Plaintiff.	§	

SECOND JOINT STATUS REPORT

Plaintiff LMMC, LLC (“Plaintiff”) and Defendant Calcium LLC, (“Defendant”) (collectively, the “Parties”) submit the following Second Joint Status Report, pursuant to the Court’s Order [ECF #43]. The Parties hereby state as follows:

I. Status of Written Discovery

Plaintiff served its First Interrogatories and First Requests for Production of Documents to Defendant on March 22, 2024. Defendant served its Answers and Objections to Plaintiff’s First Interrogatories and its Responses and Objections to Plaintiff’s First Request for Production of Documents on April 26, 2024.

Defendant served its First Interrogatories and First Requests for Production of Documents to Plaintiff on March 22, 2024. Plaintiff served its Answers and Objections to Defendant’s First Interrogatories and its Responses and Objections to Defendant’s First Request for Production of Documents on April 22, 2024.

Plaintiff believes that Defendant is improperly withholding documents without providing a privilege log and that many of Defendant’s objections lack proper support.

Defendant believes that several of Plaintiff’s answers to interrogatories are non-responsive

including, but not limited to those requests wherein Plaintiff indicates an intention to “meet and confer” regarding the request and requested information. Further, that the responses to the document requests are deficient to the extent they withhold communications as requested in Nos. 8 and 9 between ERO and LMMC related to the Contract including documents identified as withheld pursuant to an unidentified “privilege.” Lastly, Defendant believes that Plaintiff is withholding internal communications by and between Beth Horvatic, Eric Seitz, Dan Molloy, and Taylor Walet with regards to terminating the SaaS Contract with Defendant.

The Parties plan to have a meet and confer regarding their positions by **May 10, 2024** and expect objections and concerns regarding production to be promptly resolved thereafter unless discovery motions become necessary.

II. Status of Depositions

Counsel for Plaintiff has been trying to make contact with the individual that is to have information relevant for this matter and is key for depositions. Mr. Brown has made several phone calls to the proposed deponent, who has not returned any of his calls. Currently, Plaintiff is preparing the Notice of Deposition and Subpoena to Testify for Frank Muscarello to be filed and served within the week. This deposition is slated for May 22, 2024 at 10:00 a.m. CST.

Defendant has not noticed any depositions to date and has not made contact with counsel for Plaintiff regarding the scheduling of depositions but intends to issue a subpoena to Beth Horvatic.

Dated: May 7, 2024

Respectfully submitted,

/s/ Michael E. Brown

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**ATTORNEYS FOR PLAINTIFF/
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LMMC, LLC**

Respectfully submitted,

/s/ Konstantinos T. Sparagis

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**ATTORNEYS FOR
DEFENDANT/COUNTER CLAIMANT
CALCIUM LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 7, 2024, a true and correct copy of the above and forgoing was served via electronic mail to the parties listed below:

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